



Florida Commission on Human Relations 2009 - 2010 Annual Report

VISION, MISSION AND OUR CORE VALUES

VISION: To become the chief resource on human relations for the state of Florida.

MISSION: To prevent unlawful discrimination by ensuring people in Florida are treated fairly and are given access to opportunities in employment, housing and certain public accommodations, and to promote mutual respect among groups through education and partnerships.

OUR CORE VALUES:

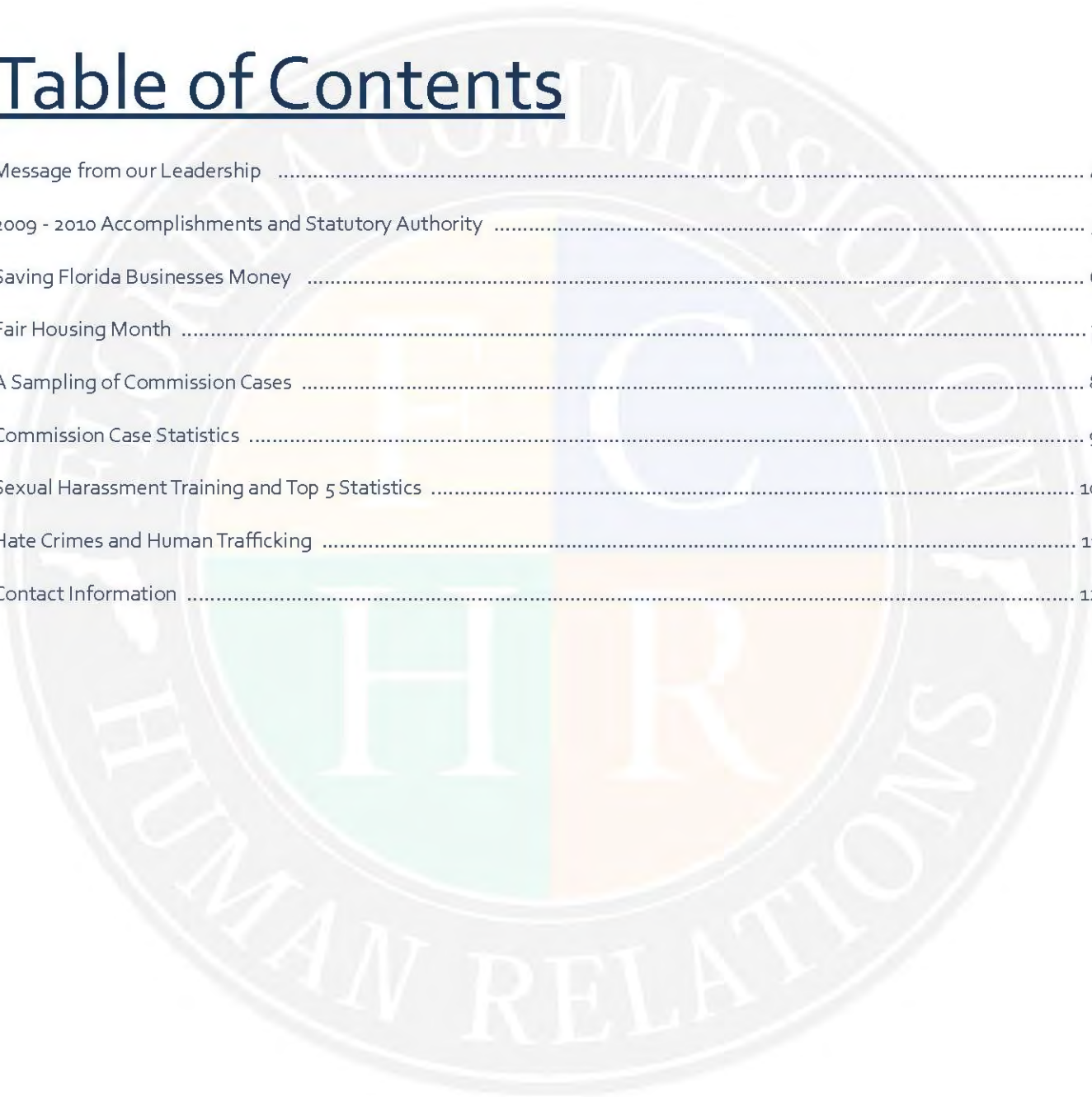
- Every individual is to be treated with dignity and respect.
- Service provided is impartial and high-quality.
- Innovation and creativity are encouraged and rewarded.
- Communication is open and honest.
- Teamwork determines our success.



Florida Commission on
Human Relations
2009 - 2010 Annual Report

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MESSAGE FROM OUR LEADERSHIP

The economic recession has impacted the lives of many hardworking Floridians. Businesses have been forced to close, lawmakers have had to cut critical services and families have struggled to tend to the sick and to provide food, clothing and shelter for their children. While in some parts of the country there are signs that economic conditions have started to improve, Florida continues to lead the nation in very high rates of unemployment and home foreclosures. It has been a true test of resilience as high rates of poverty and unemployment can lead to community and domestic tension, divorce, violence, discrimination and greater burden on already strapped public services, among other things.

During these very difficult times, that test of resilience has become very real for our own Commissioners and staff. Almost one-third of our positions have been eliminated, creating additional workload and responsibilities for other staff. Nevertheless, our Commission has worked diligently to provide excellent services to the people of Florida - no matter how difficult or challenging the circumstances.

Since 2006, Florida government and businesses have saved approximately \$51 million, or over \$12 million per year, by utilizing the Commission's mediation services and avoiding costly lawsuits. As Florida strives to create jobs and businesses work to regain their economic footing, avoiding additional costs is critical! The Commission also works to ensure that the civil rights of each and every person in our state is protected and that businesses have the tools they need to create a discrimination-free workplace.

If Florida is to fully recover from the economic downturn, we must work towards creating businesses with high profit margins as well as high employee morale. We know first-hand that when people feel valued and respected, they work harder, produce more and deliver results. Employers and managers must be trained to develop and implement sound internal anti-discrimination policies. The dollars saved in litigation expenses can be invested in job creation, recruitment and retention. There has never been a more important time than now to invest in human capital! We must cultivate communities and schools that embrace cultural diversity and have zero tolerance for violence and bullying. These are a few ways through which our state can become the best in the Nation.

As always, we thank the Florida Legislature for affording us the continued opportunity to serve the people of this great state! We look forward to continuing to make a difference as Florida moves steadfastly toward a prosperous future.

Derick Daniel,
Executive Director

Dr. Donna Elam,
Chairperson



2009 - 2010 ACCOMPLISHMENTS: A SNAPSHOT

- 111 cases successfully mediated – resulted in a total avoided costs to Florida businesses of businesses of \$116,827 per case or approximately \$13 million!
- 827 no cause determinations (employment complaints) within the required 180 day timeframe. If 10% of the cases went to court, it could have cost Florida businesses and taxpayers close to \$11 million!
- 86% of cases resolved within 180 days of filing (legislative performance standard: 75%)
- 146 days: Average age of discrimination cases
- 3,341 total complaints received; 3,445 total complaints closed
- 17,013 inquiries and investigations (legislative performance standard: 10,000)
- 4%: Amount of rights to sue issued for employment, public accommodations and whistle-blower cases

THE ROLE OF THE COMMISSION

The Florida Commission on Human Relations was statutorily created in 1969 to enforce the Florida Civil Rights Act and to work towards the elimination of discrimination. The Commission is responsible for investigating and resolving discrimination complaints in the areas of employment, housing, certain public accommodations and state-employee whistle-blower retaliation. It is against Florida law to discriminate on the basis of race, color, religion, sex, national origin, age, disability, marital status or familial status.

The Commission's budget is comprised of General Revenue and Trust Fund appropriations. Trust Fund revenues are derived through contracts with the U.S. Equal Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD). Other significant trust fund revenues include registration fees for the 55+ communities (housing for older persons) and payments for public records requests.

STATUTORY AUTHORITY

- Chapter 760, Part I, s. 509.092 – Florida Civil Rights Act of 1992 (employment & public accommodations)
- Chapter 760, Part II – Florida Fair Housing Act
- Section 760.60 – Discrimination in private clubs
- Sections 112.3187-31895 - Whistle-blower Act (retaliation against state employees)



SAVING FLORIDA BUSINESSES MONEY

Did you know that since July 1, 2006, the Commission has helped the state and Florida businesses save approximately \$51 million through the Commission's mediation services and avoiding lawsuits? This is a major contribution to the economic stability and recovery of our state since lawsuits can lead to bankruptcies, budget cuts, job lay-offs and even higher rates of unemployment. Agencies like the Commission save states and businesses millions of dollars; while protecting the civil rights of all people.

As Florida recovers from the recession, it is important that Florida's business sector recognizes the vital importance of implementing policies that prevent and eliminate discrimination on the front end. This ultimately saves vast amounts of time and money!

MEDIATION SAVINGS

According to the U.S. Department of Justice Bureau of Justice Statistics, the median value of court-awarded damages for successful discrimination complaints is estimated at \$134,125 (excluding attorney fees and court costs). During FY 2009-10, the Commission mediated 111 cases successfully, averaging \$17,298 per settlement, for a total avoided cost to Florida businesses of \$116,827 (\$134,125-\$17,298) per case. That is approximately \$13 million saved for Florida's businesses!

INVESTIGATION SAVINGS

During 2009-10, the Commission issued 827 no cause determinations (employment complaints) within the required 180 day timeframe. If 10% of the cases went to court, it could have costs Florida businesses and taxpayers close to \$11 million!

($207 \times 134,125 = \$27,763,875$ or approximately \$28 million!)



Kate Sullivan Elementary's 1st place winning poster by Bryeanne Verheyen



Gilchrist Elementary student Gracie Ortiz - 1st place winner and her poster



Stephanie Randolph (Commission staff), Bryeanne Verheyen (Kate Sullivan student) & Sherry Rowens-Hart (Commission staff)

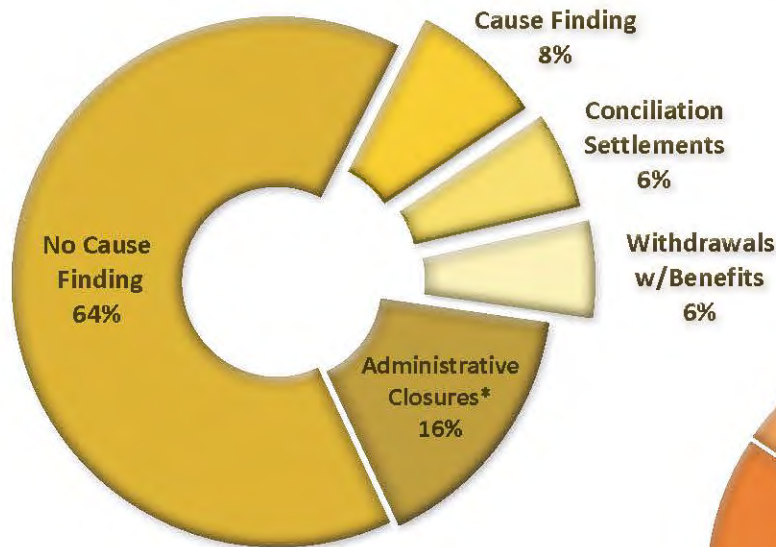
FAIR HOUSING MONTH

The Commission celebrated the 42nd anniversary of the passage of the federal Fair Housing Act of 1968. This legislation created protection and recourse for those who were being discriminated against in the rental, purchase or enjoyment of a home. The act provided protection based on a person's race, color, national origin, religion, disability, sex or familial status. The Commission serves the people of Florida by thoroughly investigating housing complaints and providing Fair Housing outreach and education.

Every April, the Commission celebrates Fair Housing Month by conducting training workshops around the state. This year, the Commission visited several elementary schools in Tallahassee and Miami to teach 4th grade students about housing discrimination.

The curriculum also allowed students to discuss diversity and encouraged each student to promote acceptance. Students participated in a poster contest entitled "Different Worlds – Same State," for which a winning poster was chosen for each school.

The Commission also participated in a Fair Housing Workshop in Miami sponsored by Miami-Dade County and Housing Opportunities for Excellence (HOPE, Inc.). The U.S. Department of Housing and Urban Development (HUD) and the Commission were among the featured presenters for the workshop. In partnership with the City of Gainesville Office of Equal Opportunity, the Commission also conducted Fair Housing training for city employees and area housing professionals. This training covered the Fair Housing Act and housing for older persons (55+ housing).

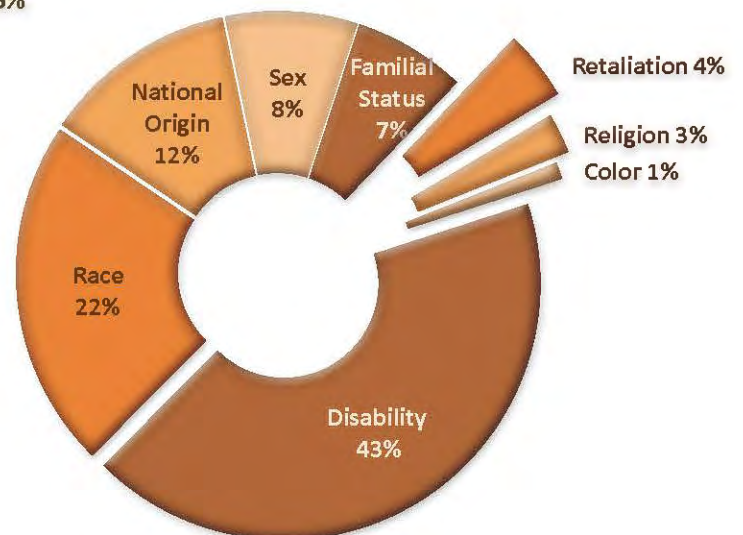


CLOSURE TYPES OF HOUSING CASES CLOSED

*Administrative Closures include No Jurisdiction, Withdrawals without Benefits, Failure to Cooperate, and other administrative closures.

NOTE: The Cause Findings, Settlements and Withdrawals with Benefits, equaling 20%, are all outcomes in favor of the complainant, or person who filed the discrimination complaint.

FILING BASES OF HOUSING CASES CLOSED





A SAMPLING OF COMMISSION CASES

WHISTLE-BLOWER RETALIATION

After complaining about a policy, a Florida school teacher was retaliated against by being moved from her teaching position and into a temporary, grant-funded administrative position with little contact with students. A settlement was reached in this case. The teacher was awarded her original teaching position and diversity training was mandated for all employees.

HOUSING-DISABILITY

An elderly man, who was permanently disabled due to a stroke, was denied a reasonable accommodation (ramp) by his landlord. Due to this, the man was unable to leave his home or he had to be lifted from the door to the ground. If that was not possible, an ambulance would have to be called. Conciliation resulted in a wheelchair-accessible ramp being built.

EMPLOYMENT-AGE

An experienced and qualified bookkeeper with a medical practice was fired; her paycheck was withheld; and she was replaced with someone younger and with much less work experience. Previous performance evaluations showed that this person had executed her duties well and honestly. The complainant was even forced to work from home during the time of employment. Evidence was provided and age discrimination was determined.

EMPLOYMENT-RACE

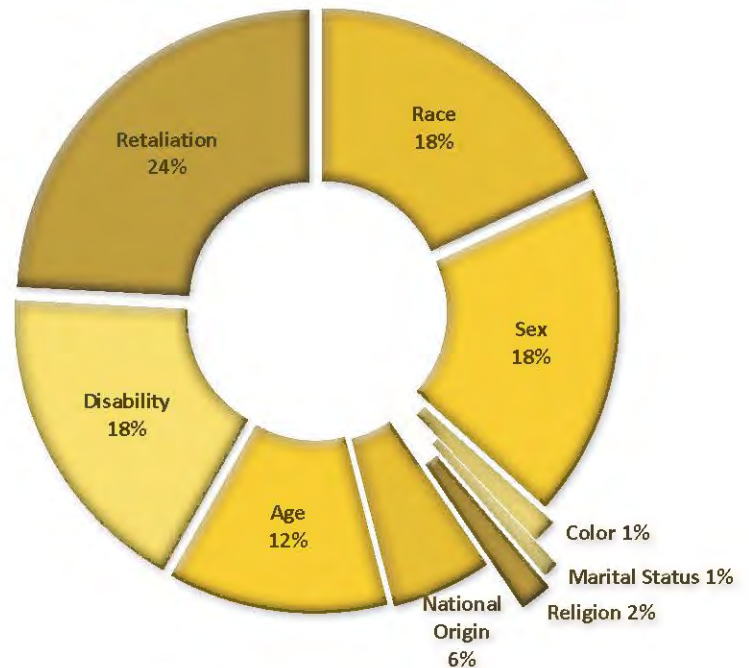
A public school teacher/coach was subjected to racial discrimination when racial epithets and death threats were written on her office walls. Feces were also left on the bathroom floor of her office. Strong evidence of a hostile work environment was provided in this case.

EMPLOYMENT-SEXUAL HARASSMENT

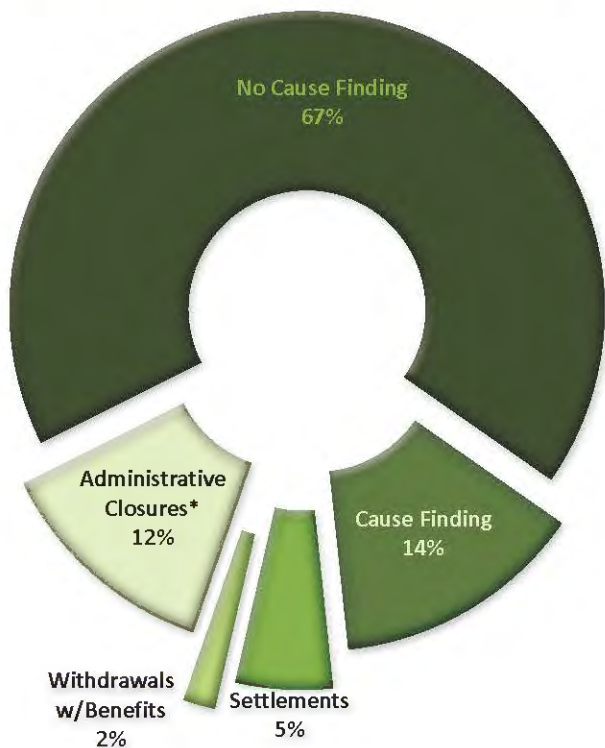
A licensed nurse working for a community hospital was subjected to unwelcome fondling and eventually forced sexual assault in the workplace. She was then terminated. Sufficient evidence was provided to prove these claims.

FISCAL YEAR 2009 - 2010 STATISTICS

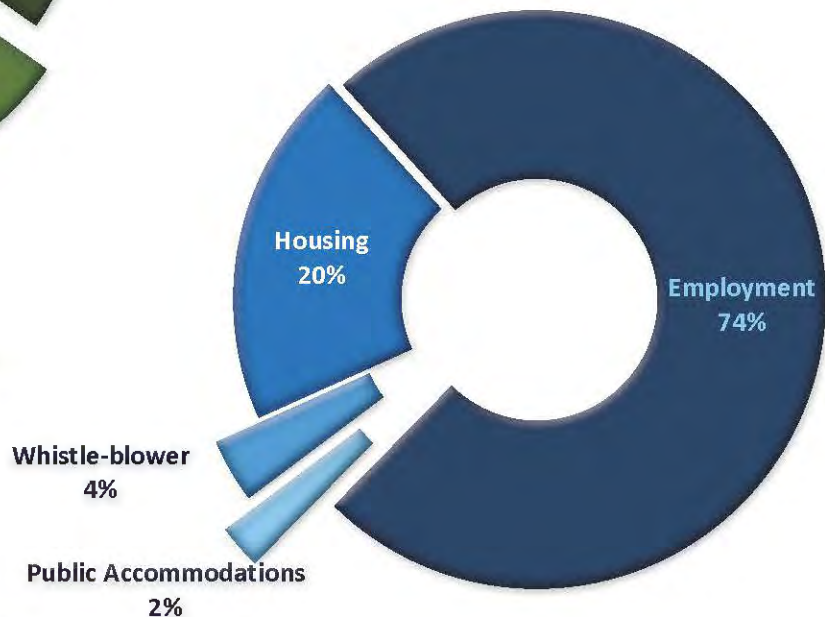
FILING BASES OF EMPLOYMENT, PUBLIC ACCOMMODATIONS & WHISTLE-BLOWER CASES CLOSED



CLOSURE TYPES OF EMPLOYMENT, PUBLIC ACCOMMODATIONS & WHISTLE-BLOWER CASES CLOSED



CASES DOCKETED FOR INVESTIGATION



*Administrative Closures include No Jurisdiction, Withdrawals without Benefits, Failure to Cooperate, Notice of Right to Sue Issued, and other administrative closures.

NOTE: The Cause Findings, Settlements and Withdrawals with Benefits, equaling 21%, are all outcomes in favor of the complainant, or person who filed the discrimination complaint.

SEXUAL HARASSMENT TRAINING VIDEO

This educational video developed by the Commission is currently being utilized throughout the state as a training tool.

Please click here to view the video



A SOUND PARTNERSHIP TO REDUCE DISCRIMINATION IN THE PUBLIC SECTOR

The Commission recently examined discrimination in in state government and uncovered that in the last five years, sexual harassment is one of the top bases of discrimination cited by employees. In an effort to reduce the number of claims being submitted and the amount of settlements for state employee discrimination cases, the Commission, in partnership with the Division of Risk Management (Florida Department of Financial Services), conducted the first in a series of webinar training sessions. Conducted by the Commission's General Counsel and other Commission staff, this sexual harassment training was tailored specifically for state human resources directors, managers and legal staff in Florida's state agencies. There were approximately 125 participants, including 45 participants from the Attorney General's Office, 60 participants from the Department of Health and over 20 staff from other state agencies, including the Departments of Children and Families and Juvenile Justice. The Commission anticipates conducting more of these webinar-based training sessions covering other types of discrimination bases and civil rights laws over the next few years.

TOP 5 STATISTICS

- Top 5 Counties (Employment/Public Accommodations/ Whistle-blower complaints): Leon, Escambia, Orange, Dade, Broward (Escambia and Orange are tied for 2nd)
- Top 5 bases for Employment, Whistle-blower and Public Accommodations cases closed: Retaliation – 24%, Disability – 18%, Race – 18%, Sex – 18%, Age - 12%.
- Top 5 Counties (Housing complaints): Dade, Orange, Polk, Sarasota, Collier (Sarasota and Collier tied for 4th)
- Top 5 bases for Housing cases closed: Disability - 43%, Race – 22%, National Origin 12%, Sex 8% and Familial Status 7%.

OVER THE PAST 12 YEARS, RETALIATION & RACE ACCOUNT FOR HALF OF ALL DISCRIMINATION INSTANCES CITED BY STATE EMPLOYEES.

TOP 5 INDUSTRIES FILED AGAINST - EMPLOYMENT, PUBLIC ACCOMMODATIONS AND WHISTLE-BLOWER:

1. Service Industry (all businesses selling a service) 17.8%
2. Hospitality (hotels, restaurants) 17.1%
3. Retail (grocery stores, gas stations) 15.4%
4. Health Care (live-in facilities, hospitals, doctor offices) 11.8%
5. State Government 10.7%



A U.S. Attorney General's Office representative describes the history of hate crimes in America.



Dr. Donna Elam, Chairperson, looks on as Imam Muhammad Sultan speaks to participants at the Hate Crimes Awareness Summit.

FLORIDA HATE CRIMES AWARENESS SUMMIT

The Commission partnered with Dr. Donna Elam, Commission Chair, and the University of South Florida, David C. Anchin Center along with several other groups to host the Florida Hate Crimes Awareness Summit. The Summit aimed to address hate crimes by developing innovative, student-driven community service programs and strategies. Partners and presenters included the U.S. Department of Justice, Southern Poverty Law Center, Federal Bureau of Investigations, Attorney General's Office, Anti-Defamation League, local law enforcement and other organizations. Victims of hate crimes gave testimony illustrating the realities of this criminal activity in Florida. In addition, community leaders conducted interactive workshops on topics including hate crimes and discrimination against homeless individuals; the lesbian, gay, bisexual, transgender (LGBT) community; ethnic and religious groups; persons with disabilities; farm workers and others. Over 300 people attended this event.

HATE CRIMES FACTS

- During the 2010 legislative session, the Florida Legislature passed a law making the attack of homeless persons with prejudice a hate crime. Florida leads the nation in attacks against the homeless.
- According to the Southern Poverty Law Center, Florida ranked 3rd in the nation in the number of documented hate groups.
- The Florida Attorney General's Hate Crimes Report (2008) showed a slight increase in the number of hate crimes against property than the previous year - 34.1% up slightly from 33.2% in 2007. Crimes against property include vandalism, graffiti, arson or other damage to religious buildings, businesses or residences expressing hatred.

HUMAN TRAFFICKING IN FLORIDA

Human trafficking remains a very significant problem in Florida as it is one of the top destinations for trafficking in the country. The Commission is a member of Florida Statewide Taskforce on Human Trafficking. The 2010 FSU Human Trafficking Strategic Plan reported the following:

- It is estimated that at any given time, there are approximately 30,000 to 40,000 pre-teen and teenage runaways in Florida. As a group, they are very vulnerable to exploitation or to abuses in Florida's adult entertainment industry.
- The largest number of trafficking victims identified in Florida between 2004 and 2010 involved people who were exploited for forced labor. Debt servitude is often the preferred means of coercion.
- The two sectors of Florida's economy where forced labor appears most prevalent are: 1) the agricultural sector and 2) the tourism and hospitality industries.
- Domestic minor sex trafficking constitutes the other most prevalent and yet most under-reported and under-prosecuted human trafficking offense in Florida.
- The Florida Legislature has mandated that all new Florida law enforcement officers receive eight hours of training on human trafficking.

The Commission will continue to work towards stopping this inhumane and unjust practice in Florida. As limited resources allow, the Commission assists the FSU Center for the Advancement of Human Rights in providing training on human trafficking. **To view the 2010 FSU Human Trafficking Strategic Plan, please click here.**

The Commissioners



Dr. Donna Elam,
Chairperson
Current Term:
3/13/2009 - 9/30/2012



Mr. Gilbert Singer,
Vice Chair
Current Term:
11/02/2007 - 09/30/2010



Mr. Watson Haynes II
Current Term:
04/10/2008 - 09/30/2012



Ms. Gayle Cannon
Current Term:
3/13/2009 - 9/30/2012



Mr. Mario Valle
Current Term:
04/10/2008 - 09/30/2012



Dr. Elena Flom
Current Term:
04/10/2008 - 09/30/2011



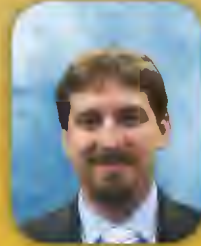
Mr. Billy Whitefox Stall
Current Term:
3/13/2009 - 9/30/2012



Dr. Patty Ball Thomas
Current Term:
05/30/2008 - 09/30/2010



Ms. Joanna Cunningham
Current Term:
04/01/2010 - 9/30/2013



Mr. Michael G. Keller
Current Term:
4/1/2010 - 9/30/2010



Ms. Lizzette Romano
Current Term:
4/1/2010 - 9/30/2013



Ms. Darcell Streeter
Current Term:
4/1/2010 - 9/30/2013

Florida Commission on Human Relations

2009 Apalachee Parkway, Suite 100
Tallahassee, FL 32301-4857

Phone: 850.488.7082
Toll Free: 800.342.8170
Fax: 850.488.5291

Website: <http://fchr.state.fl.us>
Email: fchrinfo@fchr.myflorida.com

For those with Communication Impairments:
The Florida Relay Service Voice (statewide): 711 TD AS
CII: 800.955.1339 TD Baudot: 800.955.8771